

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

Case Number: 22-22171-CIV-MARTINEZ

MICHAEL FITZGERALD
and YELANY DE VARONA,

Plaintiffs,

v.

RONDA MCNAE and WILLIAM MCNAE,

Defendants.

**OMNIBUS ORDER DENYING DEFENDANT'S MOTIONS TO SUPPLEMENT
RECORD TO INCLUDE DEPOSITION TRANSCRIPTS**

THIS CAUSE came before this Court upon *pro se* Defendant Ronda McNae's Motion for Leave to Supplement the Record to Include Deposition of Treating Therapist Sarah Dellinger, (ECF No. 224); Motion for Leave to Supplement the Record to Include Deposition of Treating Therapist Dr. Brock Weedman PsyD, (ECF No. 230); and Motion for Leave to Supplement the Record to Include Trauma Expert Deposition of Dr. Jim Hopper PsyD, (ECF No. 242) (collectively "Motions to Supplement Record"). This Court has reviewed the Motions to Supplement Record; Plaintiff Michael J. Fitzgerald's Responses, (ECF Nos. 232, 233, 246); Defendant's Replies, (ECF Nos. 235, 253); pertinent portions of the record, and applicable law and is otherwise fully advised in the premises. Accordingly, for the reasons set forth herein, the Motions to Supplement Record are **DENIED**.

Defendant McNae seeks to "supplement the record" with deposition transcripts of her treating therapists and trauma expert. Although there is no "record" to "supplement," the Court construes these Motions to Supplement the Record as motions in *limine* asking this Court to

include the deposition transcripts as evidence in trial. However, the deadline to submit motions in *limine* was September 23, 2024, per this Court's Order extending certain pretrial deadlines. (ECF No. 168). Moreover, the deposition transcripts would be inadmissible hearsay if Defendant's treating therapists and trauma expert were to testify at trial. *See* Fed. R. Evid. 801(c).

Accordingly, it is **ORDERED AND ADJUDGED** that:

1. Defendant's Motions to Supplement Record, (ECF Nos. 224, 230, 242), are **DENIED**.
2. Defendant's Motion to Amend and Correct Certificate of Service, (ECF No. 229), is **DENIED**.
3. Defendant's Motion to Correct Exhibit, (ECF No. 255), is **DENIED**.
4. Defendant's Motion for Leave to Amend Motion to Correct and Supplement Exhibit, (ECF No. 259), is **DENIED**.
5. Defendant's Motion for Leave to File Errata, (ECF No. 260), is **DENIED**.
6. The Clerk is **DIRECTED** to **RESTRICT** ECF Nos. 224, 230-1, 242, 253, 255, 259.

DONE AND ORDERED in Chambers at Miami, Florida, this 7th day of February 2025.



JOSE E. MARTINEZ
UNITED STATES DISTRICT JUDGE

Copies provided to:
All Counsel of Record
Ronda McNae, *pro se*